

08.10.2020
Sl. No.10
akd
[ALLOWED]

C. R. M. 7665 of 2020 [via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhaktinagar Police Station Case No. 933 of 2019 dated 01.12.2019 under Section 363 of the Indian Penal Code and charge-sheet submitted under Sections 363/365 of the Indian Penal Code and Section 4 of the POCSO Act.

And

In Re: ***Laxman Paswan @ Kalicharan Paswan***

... .. Petitioner

Mr. Anirban Banerjee .. Advocate

... .. for the petitioner

Mr. Aditi Sankar Chakraborty .. Ld. Addl. Public Prosecutor

Mr. Sagnik Sankar Sikdar .. Advocate

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 247 days. It is further submitted that there was a love affair between the parties. It is also submitted that both the parties are teenagers.

Learned Additional Public Prosecutor opposes the prayer for bail and submits that the victim, a minor girl was abducted and raped.

Having considered the materials on record and bearing in mind the nature of allegations in the light of the submission that the parties are teenagers and there was a love affair between them, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Laxman Paswan @ Kalicharan Paswan***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the POCSO Act, Jalpaiguri subject to condition that the said petitioner shall appear before the trial court on

every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

All concerned authorities shall act in terms of the copy downloaded from the official website of this court.

(Aniruddha Roy, J.)

(Joymalya Bagchi, J.)